

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DANIEL S MILLER
Claimant

APPEAL 19A-UI-00733-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/01/18
Claimant: Appellant (4)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 16, 2019, (reference 03), unemployment insurance decision that found claimant overpaid unemployment insurance benefits in the amount of \$67.00 for the one week ending December 22, 2018. After due notice was issued, a telephone conference hearing was scheduled to be held on February 12, 2019. Claimant participated.

ISSUE:

Was the claimant overpaid unemployment insurance benefits during the one week ending December 22, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant received benefits in the amount of \$402.00 for the one week ending December 22, 2018, based on claimant's report that he earned \$181.00 in wages that week.

Iowa Workforce Development issued a reference 02 decision deducting \$248.00 from claimant's weekly benefit amount and a reference 03 decision finding claimant overpaid benefits in the amount of \$67.00.

The reference 02 decision was modified in claimant's favor in Appeal Number 19A-UI-00732-CL-T. In fact, \$186.00 should have been deducted from claimant's benefits.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits.

Iowa Code § 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding § 96.8, subsection 5. . . .

Based on the facts above, claimant was overpaid as follows:

Gross wages \$186 – (25% of \$467 WBA = \$116) = \$70 deduction from WBA
\$467 WBA - \$70 deduction from WBA = \$397 partial weekly benefit amount
\$402 WBA paid - \$397 partial benefits due = \$5 overpayment for the week

DECISION:

The January 16, 2019, (reference 03) unemployment insurance decision is modified in claimant's favor. The claimant has been overpaid unemployment insurance benefits in the amount of \$5.00.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

cal/scn